

Remarks

In the Office action dated January 25, 2006, a Restriction Requirement was placed on the application, requiring election of one of the following species for prosecution under 35 U.S.C. § 121.

Species I: Claims 1-6, 10-15, 20-25, 34 and 39, wherein the number of valves that is activated in a cylinder is based at least on an operating condition of an electrically operated valve

Species II: Claims 8, 9, 17-19 and 27-29, 31-33 and 36-38, wherein the number of valves that is activated in a cylinder is based at least on one of engine speed, engine load or engine temperature

Applicant hereby elects Species I without traverse, and has accordingly amended the claims to conform to the election.

Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505.


CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300 on February 13, 2006.


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Respectfully submitted,

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